

November 29, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**United States Department of Justice**

United States Attorney's Office

Western District of Texas

BY: lad
DEPUTYLandon A. Wade
Assistant United States Attorney903 San Jacinto Blvd., Suite 334
Austin, Texas 78701Direct Line: (512) 916-5858
Facsimile: (512) 916-5854

November 21, 2022

Via Certified Mail**William E. Biggs**
211 Runway Ln.
Temple, Texas
76504**FILED**

December 08, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: CV
DEPUTY

Re: **William Biggs v. United States**
6:22-cv-00407-ADA-DTG, in the U.S. District Court for the Western District
of Texas, Waco Division

Dear Mr. Biggs:

I write regarding the above-referenced case, which you have filed with the United States District Court for the Western District of Texas. You have not yet effected proper service on the United States of America.

Under Federal Rule of Civil Procedure 4(i)(2), to serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee. Additionally, under Rule 4(i)(3), to serve a United States officer or employee sued in their individual capacity, a party must serve the United States and also serve the officer or employee.

In this case, the court records reflect that you made no attempt to serve the United States as required by the Federal Rules. Rule 4(i)(1) details how to serve the United States. Specifically, to serve the United States in this case, you must comply with both Rule 4(i)(1)(A) and (B).

To comply with Rule 4(i)(1)(A), you must personally serve one of the individuals designated to receive service.¹ You may also address service via certified mail to the individual authorized to receive service via certified mail. These individuals are all located in the San Antonio office of the U.S. Attorney. According to the docket, you have yet to request an issuance of summons directed to the United States. Thus, your attempted service was not valid.

To comply with Rule 4(i)(1)(B), you must also serve the Attorney General of the United States in Washington, D.C. This can be done via certified mail. From the court records, you have

¹ A list of individuals is available on the Court's website at <https://www.txwd.uscourts.gov/wp-content/uploads/For%20Attorneys/AmendedDesignationofAgentsforServiceofProcess.pdf>. I am also including a copy of this designation with this letter.

not requested a summons for the Attorney General, received a summons addressed to the Attorney General, or served the Attorney General.

While there are provisions in the Federal Rules that allow for waiver of service, the United States and its agencies are not listed as entities that can waive service and, therefore, we must insist upon compliance with the applicable Federal Rules. *See* 1993 amendments to Fed. R. Civ. P., subdivision (i). Defendant's actual notice of the litigation is insufficient to satisfy the requirements of Rule 4. *See Ayika v. Sutton*, 378 F. App'x 432, 434 (5th Cir. 2010) (citing *Way v. Mueller Brass Co.*, 840 F.2d 303, 306 (5th Cir. 1988)). Also, please note that the government does not have the ability to waive any jurisdictional or procedural prerequisite to suit against it.

The court records in this case show that the Clerk of the Court entered default against the Defendants named in your complaint on September 20, 2022. Our office will be moving to vacate the Clerk's entry of default due to the defective service issues outlined above.

We await proper service of the Summons and Complaint in the above-captioned matter. The answer period does not begin to run until you have properly served the United States in accordance with Rule 4. *See* Rule 12(a)(3).

Sincerely,

Ashley C. Hoff
United States Attorney

By: /s/ Landon A. Wade
Landon A. Wade
Assistant United States Attorney

Encl: Designation of Agent for Service

cc: Via FED EX
U.S. District Clerk's Office

FILED

June 17, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: Reuben Amaro
DEPUTY**AMENDED DESIGNATION OF AGENTS FOR SERVICE OF PROCESS**TO: Philip J. Devlin, Clerk of Court
United States District Court
Western District of Texas
San Antonio, Texas

Pursuant to Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure, I hereby designate the following only as agents to accept delivery of service of process for the United States Attorney for the Western District of Texas. Please note that these individuals are in the San Antonio Division located at 601 N.W. Loop 410, Suite 600, San Antonio, Texas:

**MARY F. KRUGER
CLAYTON DIEDRICHS
MELISSA P. ALBRIGHT
KERI A. ALMONTE
NITA BROOKE
ERICA GARZA
JOAN JONES
STEPHANIE KARAM
SCOTT MENDOZA
JOANIE MIRELEZ
STEPHANIE RICO**

Pursuant to the same Rule 4(i)(1)(A), I hereby also designate Stephanie Rico as the "Civil Process Clerk" to whom mailings of a summons and complaint by registered or certified mail to the United States Attorney are to be sent. Certified or registered mail service upon the United States Attorney for the Western District of Texas should be addressed as follows:

**Ms. Stephanie Rico
Civil Process Clerk
Office of the United States Attorney
for the Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597**

In the event that service under Rule 4(i)(1)(A) is to be made on the United States of applications for temporary restraining order, motions for preliminary injunctions, or orders to show cause, the following individuals at the U.S. Attorney's Office are designated as additional persons upon whom personal delivery service may be made in their respective Divisions for those limited

processes only:

Alpine: Lance Kennedy
Rose Mary Martinez
Lori Franco Tarango

Austin: Lori Wilson
Lucinda Harris
Rachel Mercado
Sarah Chambers
Richard Soliz

Del Rio: Adriana Perez
Bertha Meza
James Ward

El Paso: Eduardo R. Castillo
Magdalena Jara
Maria Lilia Molina
Priscilla Roldan


Midland: Brandi Young
DeeDee Rayos

Waco: Brenda Wright
Donna Myrdahl
Mark Frazier

Please cause this Amended Designation of Agents for Service of Process to be posted and/or published in your office at all court points in the Western District of Texas so as to receive the greatest possible circulation among members of the bar or general public who might be involved in civil litigation with the Government. Any questions regarding this Amended Designation may be addressed to Assistant United States Attorney Mary F. Kruger, Chief, Civil Division, Tel. (210) 384-7360.

Respectfully submitted,

Signed: _____



Digitally signed by ASHLEY HOFF
Date: 2022.06.17 09:25:52 -05'00'

ASHLEY C. HOFF
United States Attorney
Western District of Texas

ORIGIN ID:EFDA (512) 916-5858
 SARAH CHAMBERS
 DEPT OF JUSTICE/EQUISA
 903 SAN JACINTO BLVD., SUITE 334

AUSTIN, TX 78701
 UNITED STATES US

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